



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
MURK'S VILLAGE MARKET, INC.)	
8337 M 140)	Request ID No. 621707
South Haven, Michigan 49090)	
)	
South Haven Township Van Buren County)	
_____)	

At the October 30, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On August 1, 2011, Murk's Village Market, Inc. (applicant) filed a request to add space and to maintain a second Direct Connection to the unlicensed premises in conjunction with SDD and SDM licenses with Sunday Sales permit (P.M.), Sunday Sales permit (A.M.), permission to maintain one (1) Direct Connection to the unlicensed premises and permission for On Premise Seating, held at the above-noted location.

At a meeting held on December 29, 2011, the Commission denied this request under administrative rule R 436.1023(2)(a) and (b) after considering that the proposed added space and direct connection is not connected to the current physical structure of the licensed premises as required under administrative rule R 436.1105(1)(c).

Christopher Baker, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the March 13, 2012 hearing, held at the Commission's Lansing office. After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission tabled this matter to its October 30, 2012 meeting agenda held at the Commission's Lansing office.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including

the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission does not find error with the application of the MLCC Code or MLCC Administrative Rules. For the reasons stated on the record, the previous order is AFFIRMED.

THEREFORE, IT IS ORDERED that the denial order of December 29, 2011, issued in this matter is AFFIRMED.



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____



-STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
COUNTRY PUB INC.)	
150 Main)	Request ID No. 616988
Gregory, Michigan 48137)	
)	
Unadilla Township Livingston County)	
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At the October 30, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On June 14, 2011, Country Pub Inc. (applicant) filed a request to transfer stock in the 2011 Class C and SDM licenses with Sunday Sales Permit (P.M.), Specific Purpose Permit (Food), Dance Permit and Entertainment Permit (without dressing rooms) held at the above-noted location, wherein Francis C. Taylor transfers 250 shares of stock to new stockholder, Robert F. Taylor (Step 1), and by dropping the Estate of Francis C. Taylor as stockholder through transfer of 750 shares to Country Pub Inc. (Step 2). The licenses and permits have been renewed for the 2012-2013 licensing year.

At a meeting held on September 25, 2012, the Commission denied this request under administrative rule R 436.1105(2)(g) after considering the prior arrest and conviction record of Robert F. Taylor.

Robert Taylor submitted a timely request for an appeal in this matter and represented the applicant at the October 30, 2012 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated mitigating circumstances relative to his past arrest and conviction record, removing the previous questions concerning the applicant.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of September 25, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.
2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. The licensee shall maintain proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
4. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift

and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the transfer of stock in the licenses and permits, as provided in administrative rule R 436.1060.

- a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
- b. Failure to provide this documentary proof to the Commission within 180 days from the transfer of stock in the licenses and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the licenses and permits.

B. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.


C. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide